

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 3 - 0 - 2

Yeas: George, Monroe, Shields

Nays: 0

Exc.: Bonamici, Boquist

Prepared By: Patrick Brennan, Administrator

Meeting Dates: 5/9, 6/1

WHAT THE MEASURE DOES: Amends definition of “public record” in ORS 192.005 to include information that meets the following criteria: prepared, owned, used or retained by a state agency or political subdivision; relates to an activity, transaction or function of a state agency or political subdivision; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision. Clarifies that “public record” does not include records of the Judicial Department, its officers or subdivisions, or spoken communication that is not recorded. Requires state agencies to have a written policy that sets forth the agency’s use, retention and ownership of public records and to submit the written policy to the State Archivist for approval before the policy takes effect. Requires state agencies to maintain a public record without regard to the technology or medium used to create or communicate the record. Exempts from disclosure records of domestic violence service or resource center that concern individuals affected by domestic or sexual violence who visit center for referrals, resource information or related services, or individuals’ family members. Declares emergency, effective on passage

ISSUES DISCUSSED:

- Definitions of “public body,” “custodian,” “electronic metadata” and “public record”
- Differences in public records requirements for state agencies and state court system
- Social media and public records

EFFECT OF COMMITTEE AMENDMENT: Replaces the A-engrossed measure.

BACKGROUND: Current law defines a public record as any “writing” that contains information relating to the conduct of the public’s business. House Bill 2244-B updates the statute to reflect that records in other forms are common with today’s technology. The modified requirements for public records within House Bill 2244-B apply only to state agencies and local governments; the legislative and judicial branches are unaffected. By requiring agencies to submit written policies for public records to the State Archivist, approval of the written policy, the Secretary of State can ensure appropriate statewide standards are being followed to protect the valuable records of the state.

House Bill 2244-B also specifies that records maintained by providers of domestic violence services, as well as resource centers and shelters operated by or in partnership with a public entity, are not subject to disclosure of public records.